

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant: | Daryl Dean Schroeder | § | Art Unit: | 2618 |
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| | | § | | |
| Filed: | November 28, 2001 | § | Examiner: | Tuan Pham |
| | | § | | |
| For: | Wireless Computer Monitor | § | Atty. Dkt. No.: | 10015860-1 |
| | | § | | (HPC.0499US) |

Mail Stop Appeal Brief-Patents

Commissioner for Patents

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REPLY BRIEF

Sir:

The following sets forth Appellant's Reply to the Examiner's Answer dated December 18, 2009.

A. REPLY TO EXAMINER'S ANSWER REGARDING REJECTION UNDER 35 U.S.C. § 112, ¶ 1

Claims 1, 25, and 31 were rejected under § 112, ¶ 1, as purportedly failing to comply with the written description requirement. Specifically, the Examiner argued that the following subject matter is not described in the specification: “the monitor wireless transceiver is to extract the video data from the wireless signal.” 05/07/2009 Office Action at 5.

The Appeal Brief set forth detailed reasons regarding why the § 112, ¶ 1 rejection was erroneous.

In the Examiner's Answer, the Examiner stated that the specification of the present application “fails to disclose a single mention of the words ‘the monitor wireless transceiver is to extract the video data from the wireless signal’.” Examiner's Answer at 17. The Examiner appears to argue that the exact same terms appearing in the claims must also appear in the written description to satisfy § 112, ¶ 1. That is clearly not the correct standard. The subject matter of the claim need not be described literally (*i.e.*, using the same terms or *in-haec verba*) in order for the disclosure to satisfy the written description requirement. M.P.E.P. § 2163.02 (8th ed., Rev. 7), at 2100-186.

As explained in detail in the Appeal Brief, although the term “extract” is not specifically used in the specification, it is noted that from the discussion provided in at least ¶¶ [0014] and [0018] of the originally filed application, a person of ordinary skill in the art would understand that the data that is transferred wirelessly between the computer main unit 160 and the wireless computer monitor 120 is carried in wireless signals (RF signals, IR signals, or other signals) communicated between the wireless transceiver 169 and the wireless transceiver 151. A person

of ordinary skill in the art would also clearly understand that the receiving wireless transceiver would receive the wireless signals carrying the data and would extract the data from the wireless signals.

Thus, it is clear that the claim language at issue is adequately supported by the specification.

The Examiner's Answer stated that "the means to extract the data from the wireless signal does not have to be **located within the transceiver.**" Examiner's Answer at 18 (emphasis in original). The Examiner's Answer stated that "[i]t can be located outside the transceiver." *Id.* The Examiner's Answer then stated that "[t]his is the scope of the claims that is not disclosed explicitly or inherently in the specification." *Id.*

It is unclear what the Examiner means by the latter statement. To the extent that the Examiner is arguing that the specification does not disclose a means outside of the transceiver to perform extracting of data from a wireless signal, that has little relevance to the claimed subject matter. Claim 1 (and similarly claims 25 and 31) specifically recite a wireless transceiver to extract video data from the wireless signals—these claims do not recite a means outside of the wireless transceiver to extract data from a wireless signal.

The Examiner's Answer further stated that "the original specification [is] totally silent to mention [sic] the means to extract the video data from the wireless signal that is **located in the transceiver.**" *Id.* (emphasis in original). As explained by Appellant above and in the Appeal Brief, although the word "extract" does not appear in the specification, a person of ordinary skill in the art would clearly understand that the receiving wireless transceiver would receive the wireless signals carrying the data and would extract the data from the wireless signals.

Therefore, the foregoing claim language complies with the written description requirement.

Reversal of the § 112, ¶ 1, rejection of the above claims is respectfully requested.

B. REPLY TO EXAMINER'S ANSWER REGARDING THE § 102 REJECTION OF CLAIMS 25, 26 OVER RIAZI

Independent Claim 25 recites a monitor wireless transceiver (that is part of a wireless computer monitor) configured to receive from a computer main unit via a computer wireless transceiver **wireless signals containing video data, where the monitor wireless transceiver is to extract the video data from the wireless signals.** Claim 25 further recites a data translator for receiving from the monitor wireless transceiver the **extracted** video data, translating the **extracted** video data to produce translated video data and providing the translated video data to the computer display device.

As explained in detail in the Appeal Brief, none of the passages of Riazzi cited by the Examiner provide any hint of a data translator to receive from a monitor wireless transceiver **extracted** video data (which was extracted by the monitor wireless transceiver from wireless signals received from the computer main unit via the computer wireless transceiver), and to **translate** the **extracted** video data to produce translated video data.

The Examiner's Answer argued that the video-audio receiver and demodulator block 110 comprises two parts: a video-audio receiver part and demodulator part. Examiner's Answer at 19. The Examiner's Answer further argued that the "demodulator part extract[s] the RF signal from the carrier wave signal received from the base station and the video-audio receiver part convert[s] the extracted RF signals into red, blue and green video signals transmitted to the wireless display 14" *Id.*

The foregoing statement by the Examiner reveals a basic misunderstanding of what occurs when an RF signal is received by a receiver. It is clear that the RF signal carries the data, and that the video-audio receiver merely **extracts** the red, blue, and green data from the RF signal that is received from the base station 20. The video-audio receiver part of Riazi clearly would not perform any translation of the video-audio data that is carried in the RF signal, as all the video-audio receiver part does is to obtain (*i.e.*, extract) the video-audio data (unchanged) from the RF signal.

Since both the demodulator part and video-audio receiver part of the block 110 merely extracts data, no conversion (translation) performed as recited in the claim is performed in Riazi.

Therefore, withdrawal of the § 102 rejection of the above claims is respectfully requested.

C. CONCLUSION

The remaining arguments raised in the Examiner's Answer are already rebutted in the Appeal Brief.

In view of the foregoing, and in view of the arguments presented in the Appeal Brief, reversal of all final rejections is respectfully requested.

Respectfully submitted,

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